

## REMARKS

The Office Action dated September 23, 2004, has been received and carefully considered. In response, Applicants acknowledge with appreciation the allowance of claims 1-26 and 35-37 and the allowability of 40 and 42, if put in independent form. Applicants, by this Amendment, have amended claims 40 and 42 to independent form. However, Applicants respectfully submit that claims 27-34, 38, 39 and 41, as amended, also patentably distinguish from the cited references and are allowable, whereby reconsideration and allowance is respectfully requested.

**Claims 7-13, 15 and 39** were objected to for several informalities including the failure to include a period at the end of the sentence. Applicants, by this Amendment, have amended claims 7-13 and 15 to include a period at the end of the sentence. With respect to claim 39, Applicant has added the word --a-- as recommended by the Examiner. Accordingly, Applicants respectfully submit that these objections have been addressed.

**Claim 38** was rejected under 35 U.S.C. §102(b) as being anticipated by Blain 6,547,176. Applicants respectfully submit that claim 38, as amended, is not anticipated by Blain. As the Examiners know, for a reference to anticipate under 35 U.S.C. §102, "every element of the claimed invention must be identically shown in a single reference."

*In re Bond*, 15 USPQ 2d 1566, 1567(CAFC 1990); quoting cite *Diversitech Corp. v. Century Steps, Inc.* 7 USPQ 2d 1315, 1317 (CAFC 1988). Blain fails to show every element of the claimed invention.

Amended claim 38 recites a welding wire package comprising a retainer ring having a substantially flexible retainer ring body that is positioned on top of the upper ring shaped surface of the welding wire. With reference to FIGURES 1 and 3 and column 2, lines 64-67, Blain discloses a retainer ring which is substantially rigid, in that section 21 of Blain's ring is rigid. Section 21 of Blain's ring is a substantial portion of his retainer ring which makes the retainer ring a rigid body with only flexible extending tabs. Applicants respectfully submit that Blain fails to disclose a retainer ring having a substantially flexible body and, therefore, does not anticipate claim 38. Accordingly, Applicants respectfully submit that claim 38 patentably distinguishes from the cited references and is allowable.

**Claims 27-29 and 31-33** were rejected under 35 U.S.C. §102(b) as being

anticipated by Farahmand 6,406,409. Applicants respectfully submit that claims 27-29 and 31-33 are not anticipated by Farahmand. In this respect, claim 27, as amended, recites a retainer ring being a flat sheet of flexible permanent magnet having an outer periphery with a diameter large enough to substantially cover the looped welding wire of the welding wire drum. Applicants respectfully submit that Farahmand fails to disclose such a retainer ring and, therefore, fails to anticipate amended claim 27. Claims 28 and 29 are dependent from claim 27 and are not anticipated by Farahmand for at least the same reasons.

**Claim 31** is not anticipated by Farahmand by reciting a flat sheet of permanent magnet material with an outer periphery having a diameter large enough to substantially cover the looped welding wire of the drum of wire. As is stated above, with respect to claim 27, the eyeglass magnets of Farahmand fail to disclose such a retainer ring and, therefore, claim 31 is not anticipated by Farahmand. Claims 32 and 33 are dependent from claim 31 and are not anticipated by Farahmand for at least the same reasons.

**Claims 39 and 41** were rejected under 35 U.S.C. §103(a) as being unpatentable over Blain as applied to claim 38 discussed above. As is stated above, Blain fails to disclose the welding wire package recited in amended claim 38. Applicants respectfully submit that Blain further fails to make obvious the flexible body ring recited in these claims. As discussed in greater detail above, Blain discloses a retainer ring having a substantially rigid body wherein section 21, which is a substantial portion of the ring, is rigid. Blain fails to disclose or make obvious a retainer ring which has a substantially flexible body and, in fact, teaches away from the same. Claims 39 and 41 are dependent from claim 38 and patentably distinguish from the cited references for at least these same reasons. In addition, claims 39 and 41 further patentably distinguish from the cited references by reciting a flexible ring body which has a thickness in the general range of 0.10-0.01. Blain fails to disclose or make obvious such a thin wall retainer ring body. As can be appreciated, with special reference to FIGURE 3 of Blain, the substantial difference in thickness between section 21 and sections 31 and 51 show that the ring body cannot be the range of thickness recited in claims 39 and 41. Further, Blain, in fact, teaches away from such a thin wall retainer ring. Accordingly, Applicants respectfully submit that claims 39 and 41 patentably distinguish from the cited references and are allowable.

**Claims 30 and 34** were rejected under 35 U.S.C. §103(a) as being unpatentable

over Farahmand as applied to claims 27-29 and 31-33 discussed above, and further in view of Sraig 5,942,961. As discussed in greater detail above, Farahmand fails to disclose the recited retainer ring of claims 27 and 31. Applicants respectfully submit that Farahmand further fails to make obvious the recited ring. Further, Sraig fails to overcome the shortcomings of Farahmand wherein the combination of these references fail to disclose or make obvious the recited retainer ring. Accordingly, claims 30 and 34 patentably distinguish from the cited references and are allowable.

Again, Applicants acknowledge with appreciation the allowance of claims 1-26 and 35-37 and the allowability of claims 40 and 42 upon rewriting these claims in independent form including all limitations of the base claim and any intervening claims. As stated above, Applicants have amended claims 40 and 42 into independent form whereby these claims are considered to be in allowable form.

Applicants, upon further review of the specification, have found several formalities which have been corrected by this amendment. Applicants respectfully submit that the amendments are not new matter.

Applicants respectfully submit that each issue raised in the above-identified Office Action has been addressed by the amendments of this application. Accordingly, Applicants respectfully submit that claims 1-42 patentably distinguish from the cited references and are allowable, whereby reconsideration and allowance is respectfully requested.

Respectfully submitted,

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12/20/04  
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